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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,029	08/18/2003	Christopher D. Smith	555255012441	3221

89441   7590   01/20/2011
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EXAMINER
DARNO, PATRICK A

ART UNIT	PAPER NUMBER
2158	

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/643,029	SMITH, CHRISTOPHER D.
	Examiner	Art Unit	
	PATRICK A. DARNO	2158	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2010*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 54-84* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-17 and 54-84* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *18 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 67-84 are new. Claims 18-53 are canceled. Claims 1, 54, 61, and 66 are

amended. Claims 1-17 and 54-84 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-14, 16-17, 54-77, and 79-84 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Number 6,980,817 issued to Albert Chow et al. (hereinafter

"Chow") in view of U.S. Patent Number 7,577,834 issued to Bernard A. Traversat et al.

[hereinafter "Traversat"] and further in view of U.S. Patent Application Publication Number

2004/0087300 issued to John Ervin Lewis (hereinafter "Lewis").

Claim 1:

Chow discloses a system for triggering a provision event using a provisioning request

message stored in a computer-readable medium generated by an external system *(Chow: column 2,*

lines 47-65 and column 13, line 52 - column 14, line 6), comprising:

a provisioning system operable to electronically receive the provisioning request message

from the external system and transmit information in the provisioning request message to a

service provider to trigger the provisioning event, wherein the provisioning system is separate

from the external system and the service provider *(Chow: column 2, lines 47-65 and column 13, line 52 -*

column 14, line 6 and column 10, lines 28-36), and wherein the provisioning events include activation of

a service *(Chow: column 10, lines 32-36 and column 14, lines 9-21)*, resumption of service *(Chow: column*

10, lines 32-36 and column 14, lines 9-21; Resumption of service is merely a form of activating of service. If you

can activate a service, you can resume a service that may have been either not active or suspended.), modification

of a service profile or service parameters *(Chow: column 8, line 59 – column 9, line 18)* and obtaining

status information regarding a service *(Chow: column 8, lines 61-64 and column 14, lines 9-21)*;

the provisioning request message including an entity to which the provisioning event

pertains, wherein the identifying information includes one or more attributes defined by the

external system *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6 and column 10, lines*

28-36);

a provisioning reply *(Chow: column 14, lines 41-54)*;

the provisioning system in communication with the external system and the service

provider , wherein the service provider is operable to communicate with the entity to cause the

provisioning event to occur in response to receiving the provisioning request message from the

provisioning system *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6 and column 10,*

lines 28-36);

the service provider operable to provide mobile communication service to the entity

(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6 and column 10, lines 28-36).

Chow fails to explicitly disclose wherein the provisioning request message is a format-

independent electronic message capable of being constructed by and interpreted by a plurality of

different external systems and having a data structure; and wherein provisioning events include

deactivation of service, suspension of service, and resumption of service.

However, Traversat discloses wherein the provisioning request message being a format-independent electronic message capable of being constructed by and interpreted by a plurality of different external systems and having a data structure *(Traversat: column 23, lines 39-52 and column 42, lines 29-34 and column 10, lines 48-66 and column 16, lines 60-64 and column 17, lines 3-9 and column 20, lines 4-14 and column 23, lines 39-52 and column 24, lines 40-42 and column 24, lines 50-65; An XML message is a format-independent electronic message. Since XML is a format independent message it is capable of being interpreted by a plurality of external systems. And XML message has a data structure. Therefore, if an XML message is used to provision a device, the XML message is a provisioning request message which is format independent and capable of being interpreted by any external system. The Examiner asserts that Traversat discloses an XML message that discloses these limitations. As interpreted by the Examiner, XML messages are sent to the gate of each client in order to activate, deactivate, or suspend one or more applications or services which the client may be permitted to access (Traversat: column 15, line 34 – column 16, line 64 and column 20, lines 11-14 and column 23, lines 39-52 and column 24, lines 40-42 and column 24, lines 50-66 and column 42, lines 29-34). Also note Figs. 34, 35a, 35b)*; and wherein provisioning events include deactivation of service *(Traversat: column 42, lines 38-39; Canceling a "lease" for a service is canceling or deactivating the user's ability to use that service, or canceling or deactivating the user access to that service.)*, suspension of service *(Traversat: column 42, lines 38-39; Suspension of a service is merely a form of deactivating the service. If you can deactivate the service, you can suspend the service.)*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chow with the teachings of Traversat noted above for the purpose of utilizing XML messages to activate or provision services in networked computer system *(Traversat: column 15, line 34 – column 16, line 64 and column 20, lines 11-14 and column 23, lines 39-52 and column 24, lines 40-42 and column 24, lines 50-66 and column 42, lines 29-34 and Figs. 34, 35a, 35b)*.

The skilled artisan would have been motivated to improve the invention of Chow with the

teachings of Traversat per the above in order to utilize XML messages and message gates in

order to provide secure message endpoints in a distributed computing environment *[Traversat:*

column 7, lines 11-20].

The combination of Chow and Traversat fails to expressly disclose wherein the

provisioning system uses the provisioning reply to return status information or error information

relating to the provisioning request message to the external system.

However, Lewis discloses a provisioning reply, wherein the provisioning system uses the

provisioning reply to return status information or error information relating to the provisioning

request message to the external system *(Lewis: paragraphs [0252], [0306], [0441], [0492], and [0526]).*

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the previously mentioned combination with the teachings of Lewis noted

above. The skilled artisan would have motivated to improve the previously mentioned

combination such that a user could be notified that a specific, attempted operation has not been

successful *(Lewis: paragraph [306]).*

Claim 2:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as

noted above, and Chow further discloses wherein the one or more attributes include a name

attribute that identifies the entity *(Chow: column13, lines 59-64; Note that the point-of-sale information*

includes the subscriber name.).

Claim 3:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as noted above, and Lewis discloses wherein the one or more attributes include a type attribute that identifies an entity type of the entity *(Lewis: paragraph [0121], lines 5-9)*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Lewis noted above for the purpose of including a destination device type inside a provisioning request *(Lewis: paragraph [0121], lines 5-9 and paragraph [0127], lines 1-5; First note that the routing information contains a device type. Then note that the routing information is part of the overall provisioning message to be sent.)*. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the destination device type would aid in the delivery process of the provisioning request *(Lewis: paragraph [0151], lines 5-8)*.

Claim 4:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 3, as noted above, and Lewis further discloses wherein the type attribute identifies a model number of the entity *(Lewis: paragraph [0361], lines 1-4; The mobile identification number is the model number.)*.

Claim 5:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as noted above, and Chow further discloses wherein the service provider is a mobile data service provider *(Chow: column 2, line 47 – column 3, line 3)*.

Claim 6:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as noted above, and Chow further discloses wherein the provisioning request message further includes provisioning data that identifies a particular entity to which the provisioning event pertains *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6; See at least the unique electronic serial identification number (MSID).).*

Claim 7:

The combination of Chow, Traversat, and Lang discloses all the elements of claim 6, as noted above, and Chow further discloses wherein the particular entity is a mobile communication device *(Chow: column 13, line 52 – column 14, line 6 and column 2, lines 43-46; The mobile station (MS) is the mobile communication device.).*

Claim 8:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 6, as noted above, and Chow further discloses wherein the provisioning data includes one or more attributes defined by the external system *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6; The attributes defined by the external system include subscriber name, address, credit card number, unique mobile station identification number (MSID), optional personal identification number (PIN) and other verification numbers.).*

Claim 9:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 8, as noted above, and Chow further discloses wherein the one or more attributes include a name

attribute that identifies a type of information included within the provisioning data *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6; See at least subscriber name.).*

Claim 10:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, and Chow further discloses wherein the type of information included within the provisioning data includes a personal identification number (PIN) for the entity *(Chow: column 2, lines 47-65 and column 13, line 52 – column 14, line 6; See at least personal identification number (PIN).).*

Claim 11:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, and Chow further discloses wherein the type of information included within the provisioning data includes a product identifier for the entity *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6; See at least the unique mobile station identification number (MSID).).*

Claim 12:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, and Chow further discloses wherein the type of information included within the provisioning data includes a billing identifier for the entity *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6; See at least the credit card number.).*

Claim 13:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, and Chow further discloses wherein the type of information included within the provisioning data includes an international mobile subscriber identity identifier (IMSI) for the entity *(Chow: column 14, lines 29-31).*

Claim 14:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, and Lewis further discloses wherein the type of information included within the provisioning data includes a mobile subscriber integrated services digital network number (MSISDN) for the entity *(Lewis: paragraph [0388], lines 1-6 and paragraph [0319])*.

Claim 16:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as noted above, and Lewis further discloses wherein the provisioning request message includes additional information identifying one or more additional entities to which the provisioning event pertains, and wherein the additional information includes one or more attributes defined by the external system *(Lewis: paragraphs [0172] and [0173]; These references disclose sending provisioning requests to multiple or additional users. The multiple users are taken from a distribution list and all the users receive the same messages. Further additional users can be added to any list. Further for each additional user device type, destination address, and all other attributes are included in the message (this is equivalent to the provisioning entity and provisioning data item sections).)*.

Claim 17:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 16, as noted above, and Lewis further discloses wherein a data structure relationship between the provisioning entity section and the one or more additional provisioning entity sections is defined by the external system *(Lewis: paragraphs [0172]-[0173]; The distribution list on the external system creates the data structure relationship between the additional entities.)*.

Claim 54:

Claim 54 is rejected under the same reasons set forth in the rejection of claims 1.

Claim 55:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 1, as noted above, and Traversat further discloses wherein the electronic message is an extensible markup language (XML) message *(Traversat: column 23, lines 39-52 and column 42, lines 29-34 and column 10, lines 48-66 and column 16, lines 60-64 and column 17, lines 3-9 and column 20, lines 4-14 and column 23, lines 39-52 and column 24, lines 40-42 and column 24, lines 50-65).*

Claim 56:

Claim 56 is rejected under the same reasons set forth in the rejections of claims 1 and 55.

Claims 57-61:

The addition of claims 57-61 is noted. However, claims 57-61 are rejected under the same reasons set forth in the rejection of claim 1.

Claim 62:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 57, as noted above, and at least Traversat discloses further discloses wherein the status information describing the status of the provisioning system entity includes: service deactivated, service deactivated after modification, service suspended, service activated, service activated via handheld, and service activated via request *(Traversat: column 42, line 12 – column 44, line 23; Note that services may be leased. Each leasing request-response message determines whether one is to claim [activate], release [cancel], or renew [activate or reactivate] a lease. These three categories identified in a leasing request provisioning message is sufficient to "read-on" any of the statuses above.).*

Claim 63:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 58, as noted above, and Lewis further discloses wherein the error information describing the error that occurred includes: success, service already active, service not suspended, service deactivated, service suspended, no line items found, insufficient permission to request activation, insufficient permission to request activation/modification, insufficient permission to request suspend, insufficient permission to request resume, invalid data: missing billing identifier, invalid data: insufficient input, invalid request: service inactive/service not found in database, invalid data: missing IMSI, invalid data: missing input information, length must satisfy range, must belong to set, must satisfy both length range and content format, internal error: please contact product support, invalid data: requestor resolved to other, invalid data: requestor not found, and system error: please try again later *[Lewis: paragraphs [0252], [0306], [0441], [0492], and [0526]]*.

Claim 64:

Claim 64 is rejected under the same reasons set forth in the rejection of claim 62.

Claim 65:

Claim 65 is rejected under the same reasons set forth in the rejection of claim 63.

Claim 66:

Chow discloses a system, comprising:

a processor *[Chow: column 9, lines 52-57]*;

a computer-readable storage medium containing instructions operable to cause the processor to perform operations *[Chow: column 11, lines 37-44]* including:

receiving at a provisioning system, a provisioning request message generated by an

external system, and wherein the provisioning request message identifies a particular entity and

includes a provisioning reply and one or more performable actions *(Chow: column 2, lines 47-65 and*

column 13, line 52 - column 14, line 6 and column 10, lines 28-36; The purchasing entity is identified by at least the

"subscriber name".);

wherein, after receiving the provisioning request message, the provisioning system uses

the provisioning request message to verify the identity of the external system *[Chow: column 14, line*

14; Note that verification is carried out using the "point-of-sale" information. The "point-of-sale" information is

the provisioning request message.], and the provisioning system sends an acknowledgement to the

external system indicating successful receipt of the provisioning request message *[Chow: column*

14, lines 14-21];

wherein, after verifying the identity of the external system, the provisioning system

transmits the received provisioning request message to a service provider operable to process the

provisioning request message *(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6 and*

column 10, lines 28-36) and to provide mobile communication service to the entity *(Chow: column 2,*

lines 47-65 and column 13, line 52 - column 14, line 6 and column 10, lines 28-36);

wherein, after the provisioning system transmits the received provisioning request

message to the service provider, the service provider processes the provisioning request message

(Chow: column 2, lines 47-65 and column 13, line 52 - column 14, line 6 and column 10, lines 28-36);

wherein after the external system has received the provisioning reply, the external system

verifies the identity of the provisioning system *[Chow: column 13, line 52, column 14, line 21; The*

process here clearly shows the interaction between the external system [retail provider], provisioning request [point

of sale information], user [buyer of mobile device] and service provider [service provider]. The message is passed

between the entities and activation takes place. Surely the identities of each party have been "verified."];

wherein, after verifying the identity of the provisioning system, the external system takes

action based upon the contents of the reply message *[Chow: column 13, line 52, column 14, line 21; The*

process here clearly shows the interaction between the external system [retail provider], provisioning request [point

of sale information], user [buyer of mobile device] and service provider [service provider]. The message is passed

between the entities and activation takes place. Surely the identities of each party have been "verified."].

Chow fails to expressly disclose wherein the provisioning request message is a format-

independent electronic message capable of being constructed and interpreted by a plurality of

different external systems, wherein the provisioning request message is capable of specifying a

request to provision entities on multiple systems using multiple schemes for identifying an entity.

However, Traversat discloses wherein the provisioning request message is a format-

independent electronic message capable of being constructed and interpreted by a plurality of

different external systems *(Traversat: column 23, lines 39-52 and column 42, lines 29-34 and column 10, lines*

48-66 and column 16, lines 60-64 and column 17, lines 3-9 and column 20, lines 4-14 and column 23, lines 39-52

and column 24, lines 40-42 and column 24, lines 50-65; An XML message is a format-independent electronic

message. Since XML is a format independent message it is capable of being interpreted by a plurality of external

systems. And XML message has a data structure. Therefore, if an XML message is used to provision a device, the

XML message is a provisioning request message which is format independent and capable of being interpreted by

any external system. The Examiner asserts that Traversat discloses an XML message that discloses these

limitations. As interpreted by the Examiner, XML messages are sent to the gate of each client in order to activate,

deactivate, or suspend one or more applications or services which the client may be permitted to access (Traversat:

column 15, line 34 − column 16, line 64 and column 20, lines 11-14 and column 23, lines 39-52 and column 24,

lines 40-42 and column 24, lines 50-66 and column 42, lines 29-34). Also note Figs. 34, 35a, 35b), wherein the

provisioning request message is capable of specifying a request to provision entities on multiple

systems using multiple schemes for identifying an entity *(Traversat: Figs. 35a and 35b and column 68,*

line 49 – column 69, line 47; These figures and corresponding paragraphs show wherein the provisioning request

[XML] message is used to provision at least 2 different clients with 2 different schemes. 2 devices and 2 schemes are

sufficient to qualify as "multiple.").

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Chow with the teachings of Traversat noted above for the

purpose of utilizing XML messages to activate or provision services in networked computer

system *(Traversat: column 15, line 34 – column 16, line 64 and column 20, lines 11-14 and column 23, lines 39-*

52 and column 24, lines 40-42 and column 24, lines 50-66 and column 42, lines 29-34 and Figs. 34, 35a, 35b).

The skilled artisan would have been motivated to improve the invention of Chow with the

teachings of Traversat per the above in order to utilize XML messages and message gates in

order to provide secure message endpoints in a distributed computing environment *[Traversat:*

column 7, lines 11-20].

The combination of Chow and Traversat fails to expressly disclose wherein, after the

provisioning request message has been processed by the service provider, the provisioning

system transmits the provisioning reply, including status information or error information, to the

external system.

However, Lewis discloses wherein, after the provisioning request message has been

processed by the service provider, the provisioning system transmits the provisioning reply,

including status information or error information to the external system *(Lewis: paragraphs [0252],*

[0306], [0441], [0492], and [0526]).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the previously mentioned combination with the teachings of Lewis noted

above. The skilled artisan would have motivated to improve the previously mentioned

combination such that a user could be notified that a specific, attempted operation has not been

successful *(Lewis: paragraph [306]).*

Claim 67:

Claim 67 is rejected under the same reasons set forth in the rejections of claims 1, 54, 61,

and 66.

Claim 68:

Claim 68 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 69:

Claim 69 is rejected under the same reasons set forth in the rejection of claim 6.

Claim 70:

Claim 70 is rejected under the same reasons set forth in the rejection of claim 7.

Claim 71:

Claim 71 is rejected under the same reasons set forth in the rejection of claim 8.

Claim 72:

Claim 72 is rejected under the same reasons set forth in the rejection of claim 9.

Claim 73:

Claim 73 is rejected under the same reasons set forth in the rejection of claim 10.

Claim 74:

Claim 74 is rejected under the same reasons set forth in the rejection of claim 11.

Claim 75:

Claim 75 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 76:

Claim 76 is rejected under the same reasons set forth in the rejection of claim 13.

Claim 77:

Claim 77 is rejected under the same reasons set forth in the rejection of claim 14.

Claim 79:

Claim 79 is rejected under the same reasons set forth in the rejection of claim 16.

Claim 80:

Claim 80 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 81:

Claim 81 is rejected under the same reasons set forth in the rejection of claim 56.

Claim 82:

Claim 82 is rejected under the same reasons set forth in the rejection of claim 57.

Claim 83:

Claim 83 is rejected under the same reasons set forth in the rejection of claim 58.

Claim 84:

The combination of Chow, Traversat, and Lewis discloses all the elements of claims 1

and 60 as noted above, and Traversat further discloses wherein the provisioning request message

is capable of specifying a request to provision entities on multiple systems using multiple

schemas for identifying an entity *(Traversat: column 23, lines 39-52 and column 42, lines 29-34 and column 10, lines 48-66 and column 16, lines 60-64 and column 17, lines 3-9 and column 20, lines 4-14 and column 23, lines 39-52 and column 24, lines 40-42 and column 24, lines 50-65; An XML message is a format-independent electronic message. Since XML is a format independent message it is capable of being interpreted multiple systems using multiple schemas for identifying an entity. Therefore, if an XML message is used to provision a device, the XML message is a provisioning request message which is format independent and capable of being interpreted by any external system.)*, and wherein the provisioning request message identifies an entity and one or more performable actions *(Traversat: column 42, lines 29-34)*.

3.   Claims 15 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Traversat in view of Lewis and further in view of U.S. Patent Application Publication Number 2004/0058652 issued to Christopher M. McGregor et al. (hereinafter "McGregor").

Claim 15:

The combination of Chow, Traversat, and Lewis discloses all the elements of claim 9, as noted above, but the previously mentioned combination does not explicitly disclose wherein the type of information included within the provisioning data includes an integrated circuit card identifier (ICCID) for the entity. However, McGregor discloses wherein the provisioning data includes an integrated circuit card identifier (ICCID) for the entity *(McGregor: paragraph [0201])*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of McGregor noted above. The skilled artisan would have been motivated to improve the previously

mentioned combination per the above such that the ICCID could be used to identify a particular

mobile device *(McGregor: paragraph [0201], at least lines 3-7).*

Claim 78:

Claim 78 is rejected under the same reasons set forth in the rejection of claim 15.

Response to Arguments

Applicant Argues:

In rejecting claim 1, the Office cites to col. 2, lines 47-65, col. 13, line 52-col. 14, line 6, and col. 10, lines 28-36 of Chow as teaching this feature. It is respectfully submitted that the service provider does not communicate with the entity in response to receiving the provisioning request from the provisioning system in the cited portions of Chow. Instead, the service provider communicates with the entity in response to the entity initiating an activation request (*e.g.*, "The user initiates their service by activating their phone over-the-air when they first communicate from their selected home neighborhood zone." Col. 2, lines 55-57; "The unique bit sequence and PIN in combination will be given to the new subscriber so the subscriber may actuate their LCS service automatically via a self-activating and authenticating process to be referred to herein as over-the-air activation teleservice (OATS)." Col. 14, lines 49-54).

The three portions of Chow cited by the Office fail to show a service provider communicating with the entity to which a provisioning event pertains in response to receiving the provisioning request from the provisioning system. ... Because none of the cited portions of Chow teach or suggest the claimed feature, and the Office makes no allegations of such a teaching in any of the other references cited, it is respectfully requested that the § 103 rejection of claim 1 be withdrawn.

Examiner Responds:

Examiner is not persuaded. Chow discloses "...wherein the service provider is operable

to communicate with the entity to cause the provisioning event to occur in response to receiving

the provisioning request message from the provisioning system..." [Chow: column 2, lines 47-65 and

column 13, line 52 – column 14, line 6 and column 10, lines 28-36].

Chow discloses each of the claimed components of the system and shows them all in

communication in the activation or provisioning of the mobile device [Chow: column 10, lines 28-

36]. The retail outlet reads on the external system, the service provider database reads on the

provisioning system, the service provider reads on the service provider, and the mobile device

being provisioned or activated reads on the claimed mobile device [Chow: column 2, lines 47-65 and

column 13, line 52 – column 14, line 6 and column 10, lines 28-36]. For some time now, the Examiner as

interpreted the claims in a manner that is consistent with a 3rd party retail chain activating a

mobile device that is not produced by the 3rd party. This model of operation has been in

practice for many years. Furthermore, the Chow reference discloses that kind of a system.

Note that the provisioning system [service provider database] receives the provisioning

request message [point of sale information] from the external system [retail outlet] [Chow: column

2, lines 47-65 and column 13, line 52 – column 14, line 6 and column 10, lines 28-36]. Then, the customer

service center of the service provider receives and processes this provisioning request message

[point of sale information] from the provisioning system [service provider database] [Chow:

column 14, lines 22-26]. Finally, the service provider activates the mobile device [Chow: column

10, lines 28-36]. As a result, it appears that Chow discloses wherein the service provider is

capable of communicating with <u>both</u> the entity [user of mobile device] and the provisioning

system [service provider database].

Since it appears that each and every element of the Applicant's claimed invention is

disclosed by the prior art of record, the claims remain rejected under the reasons set forth in the

preceding office action.

<u>Applicant Argues:</u>

With further regard to claim 1, claim 1 recites that the provisioning events include obtaining status information regarding a service. In rejection claim 1, the Office cites to column 8, lines 61-64 and col. 14, lines 9-21 as teaching this feature. Col. 8, lines 61-64 describes data that may be stored regarding a subscriber (*e.g.,* subscribers profile, service subscription, service preferences, and priorities). Col. 14, lines 9-21 describes a customer service representative asking the subscriber for data to complete their personal or subscriber profiles. Neither of these portions describes a provisioning event of obtaining status information regarding a <u>service</u> (*e.g.,* service deactivated, service deactivated after modification, service suspended, service activated, and other examples listed in paragraph [0032] of the present application). Instead, these portions of Chow describe data associated with a subscriber.

Examiner Responds:

Examiner is not persuaded. Chow discloses "...obtaining status information regarding a service..." [Chow: column 8, lines 61-64 and column 14, lines 9-21].

It appears that the information stored by the service provider comprises at least information about the service subscription and the service preferences [Chow: column 8, lines 61-64]. At least the stored "service subscription" appears to anticipate "status information regarding a service." Furthermore, it appears that this information can be retrieved or obtained [Chow: column 14, lines 9-14]. As a result, it is reasonable to conclude that Chow discloses "...obtaining status information regarding a service..."

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Applicant Argues:

Claims 16 and 84 include features related to the one-to-many relationships between a single provisioning request and provisioning entities or provisioning data items. These one-to-many relationships are shown in Fig. 2 at 210 and 216...
It is respectfully submitted that none of the disclosures cited by the Office as teaching these features in rejected claims 16 teach or suggest these features. In rejecting claim 16, the Office cites to paragraph [0172] and [0173] of Lewis. This portion of Lewis is not at all concerned with provisioning requests.

Examiner Responds:

Examiner is not persuaded. Claim 16 remains rejected under the reasons set forth in the

preceding office action on page 9. Examiner maintains that the rejection is proper because

Lewis discloses the claimed elements of claim 16 in at least as much detail as is claimed. Lewis

discloses sending provisioning requests to multiple or additional users. The multiple users are

taken from a distribution list and all the users receive the same messages. Further additional

users can be added to any list. Also, for each additional user device type, destination address,

and all other attributes are included in the message. Therefore, it appears that Lewis discloses

"...wherein the provisioning request message includes additional information identifying one

or more additional entities to which the provisioning event pertains, and wherein the additional

information includes one or more attributes defined by the external system..." [Lewis: paragraphs

[0172] and [0173]]. Finally, if for no other reason, claim 16 remains rejected because it depends

upon a rejected base claim.

With respect to claim 84, this claim is new and stands rejected under the combination of

Chow, Traversat, and Lewis. It appears that provisioning messages in the XML format

discloses the claimed provisioning request message with a one to many relationship because

XML messages are format independent. Therefore, one provisioning request message may

provision many different devices with different schemas [due to the format independent nature

of XML]. See the portions of the Traversat reference cited on pgs. 16 and 17. Finally, if for no

other reason, claim 84 is rejected because it depends upon a rejected base claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-

0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad Ali/   /Patrick A. Darno/
Supervisory Patent Examiner, Art Unit 2158   Examiner
                                                    Art Unit 2158
                                                    01-15-2010

PAD